

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated May 23, 2019 which found the appellant ineligible for a crisis supplement for furniture, specifically a couch. The ministry found the appellant did not meet the requirements of section 59(1) of the Employment and Assistance Regulation for provision of a crisis supplement.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act (EAA) section 4

Employment and Assistance Regulation (EAR) section 59

PART E – SUMMARY OF FACTS

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

Information before the minister at reconsideration included:

- The appellant's Request for Reconsideration, signed May 15, 2019, which included a written statement "Reason is because my blood clot gets worse sitting on the floor and my son gets deep cuts from our couch and my chest hurts from sitting in the wrong position because I have sarcoidosis."

The appellant included a statement with her Notice of Appeal to the Tribunal: "Because I've been S/A for a long time and don't have good credit for leasing or layaway. Being on S/A makes it very hard to do anything and I can't work part time because of my health. I have applied for PWI [PWD] and waiting for my Dr."

At the hearing, the ministry referred to the reconsideration decision, which states that the appellant did not meet the three criteria laid out in section 59(1), EAR: That the need for the item is unexpected or there is an unexpected expense, and there are no alternate resources available to the family unit to meet the expense or obtain the item and that failure to meet the item will result in imminent danger to the physical health or removal of a child under the *Child, Family and Community Service Act*. The ministry found that it is not unexpected for any piece of furniture to wear down over time and to need replacing, nor is it unexpected to need to budget for replacement. The ministry found that there are several free and low cost couches and other furniture listed on websites and available in the appellant's area and that there is no evidence to indicate that failure to obtain a new couch will result in imminent danger to physical health. The ministry determined that the appellant did not meet any of the criteria in section 59(1), EAR for provision of a crisis grant for furniture.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is the reasonableness of the ministry which found the appellant ineligible for a crisis supplement for furniture, specifically a couch. The ministry found the appellant did not meet the requirements of section 59(1) of the Employment and Assistance Regulation for provision of a crisis supplement.

Legislation

EAA

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

EAR

Crisis supplement

59 (1)The minister may provide a crisis supplement to or for a family unit that is eligible for income assistance or hardship assistance if

- (a)the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
- (b)the minister considers that failure to meet the expense or obtain the item will result in
 - (i)imminent danger to the physical health of any person in the family unit, or
 - (ii)removal of a child under the *Child, Family and Community Service Act*.

(2)A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3)A crisis supplement may not be provided for the purpose of obtaining

- (a)a supplement described in Schedule C, or
- (b)any other health care goods or services.

(4)A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

- (a)if for food, the maximum amount that may be provided in a calendar month is \$40 for each person in the family unit,
- (b)if for shelter, the maximum amount that may be provided in a calendar month is the smaller of
 - (i)the family unit's actual shelter cost, and
 - (ii)the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit, and
- (c)if for clothing, the amount that may be provided must not exceed the smaller of
 - (i)\$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
 - (ii)\$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

(5) and (6)Repealed. [B.C. Reg. 248/2018, App. 1, s. 2.]

(7)Despite subsection (4) (b), a crisis supplement may be provided to or for a family unit for the following:

- (a)fuel for heating;
- (b)fuel for cooking meals;
- (c)water;
- (d)hydro.

The appellant's position is that her current couch causes her son cuts and her medical conditions are made worse by sitting on the floor. She has bad credit and cannot work part-time due to her health.

The ministry's position is that the appellant does not meet any of the 3 criteria for approval of a crisis grant: the need is not unexpected, there are resources available to obtain a couch free or at low cost and the appellant has not provided evidence to indicate that failure to obtain a new couch will result in imminent danger to physical health.

The panel notes the appellant's submission concerning her ability to pay for a couch and the health effects on her child and herself that are affected by the lack of a suitable couch. The ministry, in the reconsideration decision, stated that there are free and low cost couches advertised in the appellant's local community and that it is not unexpected for furniture to need replacing. The panel finds that the ministry reasonably determined that the need for a replacement couch is not unexpected and that there are alternate resources available to meet this need.

With respect to health, the panel finds the ministry reasonably determined that failure to obtain a new couch will not result in imminent danger to physical health. No evidence was provided other than the appellant's statement that she and her child's health issues are made worse by sitting of the floor or on the couch she currently owns, which does not speak to imminent danger to health.

The panel finds that the ministry reasonably determined that the appellant's application for a crisis supplement does not meet the criteria for approval stated in section 59(1) of the EAR. The panel confirms the ministry decision

The appeal is not successful.

APPEAL NUMBER

PART G – ORDER

THE PANEL DECISION IS: (Check one) UNANIMOUS BY MAJORITY

THE PANEL CONFIRMS THE MINISTRY DECISION RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister
for a decision as to amount? Yes No

LEGISLATIVE AUTHORITY FOR THE DECISION:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b)

PART H – SIGNATURES

PRINT NAME

Reece Wrightman

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019 June 20

PRINT NAME

Roy Wares

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019 June 20

PRINT NAME

Edward Wong

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019 June 20